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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

9 C.B., a minor, by and through his
parents Chris Bishop and Sara
10 Christensen; J.B., a minor, by and
through his parents Chris Bishop and
11 Sara Christensen; CHRIS BISHOP,
individually; and SARA
12 CHRISTENSEN, individually,

13 | Plaintiffs,

14 || v.

15 LAKE CHELAN SCHOOL DISTRICT
16 NO. 129, a Washington public school
district; and K.C. CRAVEN,
individually,

Defendants.

NO. 2:14-cv-00082-JLQ

JOINT STATUS REPORT

Plaintiffs and Defendant Lake Chelan School District, in compliance with
the Court's April 8, 2014 Order (ECF No. 6) and Fed. R. Civ. P. 26(f), inform the
Court as follows:

24 1. Fed. R. Civ. Proc. 26(a)(1) Initial Disclosure Deadline. The initial
25 FRCP 26(f) conference between the parties to this joint status report took place on
26 April 10, 2014.
27

1 The parties have agreed to exchange initial disclosures as required by FRCP
 2 26(a) no later than April 30, 2014.
 3

4 2. Subject Matter. Plaintiffs intend to conduct discovery regarding the
 5 allegations in Plaintiffs' complaint; Defendant's affirmative defenses; and
 6 testimony of any expert witnesses identified by Defendant. Plaintiffs also intend to
 7 pursue third party discovery.
 8

9 Defendant intends to conduct discovery into Plaintiff's allegations of
 10 liability and damages. Defendant intends to depose all of the plaintiffs, as well as
 11 any liability and damages experts identified. Defendant also anticipates having the
 12 minor plaintiffs evaluated by a psychologist pursuant to FRCP 35.
 13

14 3. Electronically Stored Information ("ESI"). The parties will work to
 15 ensure that discovery is managed efficiently and will discuss the electronic systems
 16 used by each party and the form of production for all ESI before gathering and
 17 processing ESI for production.
 18

19 4. Privilege and Protection Issues. The parties agree that any
 20 information or documents withheld as privileged will be logged on a privilege log.
 21 The parties are discussing an appropriate protective order to handle the treatment
 22 of confidential information.
 23

24 Plaintiffs anticipate they will need to seek a protective order to bar
 25 depositions of the minor plaintiffs, limit the length and/or scope of depositions,
 26
 27

1 require depositions to be conducted in writing or impose other restrictions, and to
 2 bar or limit psychological evaluations of the minor plaintiffs to protect them from
 3 unreasonable harm. Plaintiff also anticipate that discovery in this case will involve
 4 private and personal medical and counseling records, and will therefore seek to
 5 enter an agreement with Defendant or a court order, if necessary, keeping those
 6 documents confidential.

9 Defendant anticipates that discovery in this case will involve documents that
 10 likely constitute “educational records” pursuant to 20 U.S.C. § 1232g (Family
 11 Educational and Privacy Rights Act). Defendant will cooperate in the production
 12 of such records, but will seek both a court order compelling the production of such
 13 records, and an order of protection keeping those documents confidential.

16 5. Changes to Limitations on Discovery. None at this time.

17 6. Other Orders. The parties are discussing an appropriate protective
 18 order to handle the treatment of confidential information.

20 7. The parties have also discussed the subjects set forth in the Court’s
 21 April 10, 2014 Order (ECF No. 7) and have agreed as follows:

23 a. Service of Process on parties not yet served. Plaintiff has made
 24 at least six attempts to serve Defendant K.C. Craven at three different locations,
 25 and is still in the process of attempting to perfect personal service. Jerry Moberg
 26 of the law firm Jerry Moberg & Associates, PS has notified Plaintiffs’ counsel that

1 he will represent Defendant Craven when Plaintiffs have perfected service. For
 2 these reasons, Plaintiffs believe that Defendant Craven is evading personal service
 3 and Plaintiffs anticipate moving the court for permission to serve Defendant
 4 Craven by other means, including mail and/or publication.

6 b. Jurisdiction and Venue. This Court has subject matter
 7 jurisdiction pursuant to 28 U.S.C. § 1331, as the matter involves allegations that
 8 Defendant has violated federal law. The Court also has supplemental jurisdiction
 9 over Plaintiffs' Washington State law claims pursuant to 28 U.S.C. § 1337(a)
 10 because the state law claims asserted in this action are so related to the federal
 11 claims that they form part of the same case or controversy under Article III of the
 12 U.S. Constitution. This Court has personal jurisdiction over Defendant Lake
 13 Chelan School District because Defendant is located in this District and all the
 14 events or omissions giving rise to the claims occurred in this District. This Court
 15 has personal jurisdiction over Defendant K.C. Craven because he is believed to be
 16 located in this District and all the events of omissions giving rise to the claims
 17 against him occurred in this District.

22 Venue is proper in this District pursuant to 28 U.S.C. § 1331(a) because the
 23 events or omissions giving rise to the claims occurred in this District.

25 c. Anticipated Motions. Plaintiffs anticipate they will need to seek a
 26 protective order to bar depositions of the minor plaintiffs, limit the length and/or
 27

1 scope of depositions, require depositions to be conducted in writing or impose
 2 other restrictions, and to bar or limit psychological evaluations of the minor
 3 plaintiffs to protect them from unreasonable harm. Plaintiff also anticipate that
 4 discovery in this case will involve private and personal medical and counseling
 5 records, and will therefore seek to enter an agreement with Defendant or a court
 6 order, if necessary, keeping those documents confidential.

9 Defendant anticipates that discovery in this case will involve documents that
 10 likely constitute “educational records” pursuant to 20 U.S.C. § 1232g (Family
 11 Educational and Privacy Rights Act). Defendant will cooperate in the production
 12 of such records, but will seek both a court order compelling the production of such
 13 records, and an order of protection keeping those documents confidential.

16 d. Rule 26(f) Conference. The parties conducted the Rule 26(f)
 17 conference on April 10, 2014.

19 e. Trial.

20 i. Suggested trial date: Plaintiffs are requesting a trial date
 21 of August 3, 2015; Defendant Lake Chelan School District is
 22 requesting a trial date in July 2015.

24 ii. Length: Ten to 15 court days.

1 iii. Pretrial conference suggested date: Plaintiffs are
 2 requesting a pretrial conference on July 20, 2015. Defendants are requesting a
 3 pretrial conference on June 22, 2015.

5 iv. Jury trial requested (ECF No. 5).

6 f. Special Procedures. The parties are not aware of any need for
 7 consolidation, reference to a special master or magistrate, arbitration or to the
 8 Judicial Panel on Multi-district Litigation.

10 g. Modification of Pretrial Procedures. The parties are not aware of any
 11 need to modify the standard pretrial procedures.

13 h. Bifurcation. The parties are not aware of any need for bifurcation.

14 i. Magistrate. The parties do not agree to proceed before a Magistrate
 15 Judge. Plaintiffs notified the Clerk's Office as required.

17 j. Likelihood of Settlement and the Point at Which the Parties Can
 18 Conduct Meaningful Dispute Resolution. The parties agree that mediation may be
 19 appropriate at around the time of the discovery cut-off.

21 k. Other Matters/Suggestions for Just, Efficient, and Economical
 22 Determination of the Action.

24 l. Electronic Service. The parties agree that, for purposes of service and
 25 computation of response deadlines under the Local Rules, filing by ECF will
 26 constitute service by hand on the date ECF automated notification is sent. The
 27

1 parties agree that electronic service of all other documents, including discovery
2 requests and responses, shall also constitute sufficient service.
3

4 RESPECTFULLY SUBMITTED AND DATED this 24th day of April,
5 2014.

6 TERRELL MARSHALL DAUDT &
7 WILLIE PLLC

8 By: /s/ Erika L. Nusser
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16 *Attorneys for Plaintiff*
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EVANS CRAVEN & LACKIE P.S.

By: /s/ Frieda K. Zimmerman
Via Email Authority 4/24/14
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*Attorneys for Defendant Lake Chelan
School District No. 12*

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CERTIFICATE OF SERVICE

2 I, Erika L. Nusser, hereby certify that on April 24, 2014, I electronically
 3 filed the foregoing with the Clerk of the Court using the CM/ECF system which
 4 will send notification of such filing to the following:

5 Michael E. McFarland, Jr., WSBA #23000
 6 Frieda K. Zimmerman, WSBA #46541
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12 *Attorneys for Defendant Lake Chelan School District No. 129*
 13

14 DATED this 24th day of April, 2014.

15 **TERRELL MARSHALL DAUDT &**
 16 **WILLIE PLLC**

17 By: /s/ Erika L. Nusser
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